REMARKS

The Applicants have amended claims 1-4, 11, 12, 14-19, 21 and 25 and canceled claim 8 without prejudice. Claims 1-5, 7, 9-21, and 24-29 remain pending in this application. The Applicants respectfully submit that the claims, as amended, are patentable over the cited references. Reconsideration and allowance of this application are respectfully requested.

I. Rejection Under 35 U.S.C. 103(a).

In pages 2-5 of the Office action, claims 1-5, 7-10, 14-21, 24-26, 28 and 29 were under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,580,597 to Kramer et al. ("Kramer") in view of U.S. Patent No. 4,693,341 to Ikeuchi et al. ("Ikeuchi"), U.S. Patent No. 3,781,447 to Durso ("Durso"), FRE. 2,668,682 to Petitbout ("Petitbout"), EP. 303,328 to Jaeger ("Jaeger"), U.S. Patent No. 4,285,980 to Lewis ("Lewis") and U.S. Patent No. 2,779,681 to Sell et al. ("Sell").

Dependent claims 11-13 and 27 were rejected under 35 U.S.C. §103(a) as being unpatentable over the references as applied to claims 1-10 above, and further in view of JP 56-85257 to Uotani ("Uotani").

To expedite prosecution of the application, the Applicants offer the above amendments and the following remarks.

II. Claims 1-5, 7, 9, 10, 14-21, 24-26, 28 and 29 are Patentable over Kramer in View of Ikeuchi, Durso, Petibout, Jaeger, Lewis and Sell.

Amended independent claim 1 has been amended to recite in part:

"providing a first member comprising a first surface defining a concavity and having a plurality of protrusions ... arranged in a first netting pattern...

providing a second member comprising a second surface defining a concavity having a plurality of protrusions... arranged in a second netting pattern...

the first and second members having similar shapes and sizes, being pivotally coupled together, and being pivotally moveable...

providing a meat product having a pre-defined shape ...
pivotally closing the first and second members ...
pivotally opening the two members ..."

Independent claims 14 and 21 include the same or similar amendments and limitations.

Kramer describes a method for simulating a net pattern while retaining natural meat juices by utilizing a die cavity 10. The die cavity has an interior surface 12 that produces the netted effect. A heat shrinkable material 20 is positioned in the die cavity 10 to conform to the interior surface 12. A meat product 14 is placed in the die cavity 10. After the cavity 10 is filled, another sheet of heat shrinkable material 24 closes the cavity 10 to form a package. The package is cooked in hot water to heat shrink the heat shrinkable material 20 and to emboss the design on the cooked meat product. The patent explains that "the process is significantly effective in causing the retention of natural juices of meat products subjected thereto." (Kramer, col. 2, lines 3-12; col. 3, lines 57-59; Figs. 1, 2 and 6).

To establish a prima facie obviousness all claim limitations must be taught or suggested by the prior art. MPEP §2143.03. In addition, there must be some suggestion or motivation to combine or modify the teachings of the prior art. MPEP §2143.01. Further, "the mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination." MPEP §2143.01.

Kramer and the other cited patents fail to disclose or suggest a number of limitations of Applicants' amended independent claims 1, 14, and 21, and thus, fail to satisfy the requirements of MPEP §2143.03. The Applicants point out these various deficiencies and discuss how the cited references are different from each other in order to demonstrate the clear absence of any suggestion or motivation to form the asserted combinations. Correspondingly, considering the various deficiencies, the absence of the required suggestion or motivation, and particular device configurations and resulting food product attributes described in various references, the Applicants respectfully submit that all of the claims are patentable over the cited references, as discussed further below.

Beginning with Kramer, the Office actions assert that the die cavity 10 and the heat shrinkable material 24 correspond to the "first" and "second" members recited in the claims of the subject application. Proceeding with this analysis, the Applicants respectfully submit that the above amendments and the following remarks clearly eliminate Kramer from further consideration.

Initially, Kramer does not disclose or suggest "first and second members having similar shapes and sizes" as recited in amended claims 1, 14 and 21. Instead, the Kramer patent merely discloses a mold or die cavity 10 (the asserted "first member") having four side walls or surfaces, a bottom surface, and an open top (Kramer, Fig. 1.), which is closed or sealed by a flexible heat shrinkable material 24 (the asserted "second member"). Accordingly, the four-sided die cavity 10 does not have the same shape and the same size as a flexible heat shrinkable material.

Further, Kramer fails to disclose or suggest first and second members having similar shapes and sizes and that are also "pivotally coupled together" as recited in the amended claims. A die cavity and a heat shrinkable material are not pivotally coupled together. Rather, as noted by the Examiner, the flexible heat shrinkable material is placed over the top of the rigid die cavity to close the cavity. (Kramer, col. 2, lines 7-8; col. 3, lines 23-26; Fig. 1).

Kramer also fails to disclose or suggest first and second members having similar shapes and sizes that are also pivotally coupled together and "pivotally moveable" between open and closed positions, and opening and closing such first and second members. No such capability is disclosed in Kramer.

The other cited references do not cure these dispositive deficiencies and have their own deficiencies as well. The different container / cavity configurations, associated food products, and multiple deficiencies of certain other cited references clearly preclude the required suggestion or motivation to make the asserted combinations.

Initially, the Office actions have not adequately set forth reasons why a person of ordinary skill in the art would have been motivated to combine the cited references with Kramer. Kramer describes a die cavity and a heat shrinkable material to close the die cavity. The Office actions, however, only generally assert that Kramer can be combined with references that describe certain features that are notoriously old. In other words, the Office actions do not explain why there would be a suggestion or motivation to combine certain references, when

certain combinations would require significant modifications of the configuration described in Kramer and/or the elimination of the "heat shirnkable material," thereby diminishing or destroying the ability to retain the natural juices of meat products, as specifically discussed in Kramer (Kramer, col. 3, lines 47-59). Accordingly, the following remarks are submitted to point out these deficiencies, the different configurations and food products, and the resulting lack of a suggestion or motivation to make the asserted combinations.

For example, Durso describes molded sections, without protrusions, for cooking an emulsion and producing skinless sausages. Casingless sausages have annular shapes (and resulting relatively smooth surfaces). (Durso, col. 2, lines 52-56 (annular); Fig. 3 (upper and lower mold sections have annular shapes and smooth surfaces)). Accordingly, the Durso patent does not disclose or suggest elements and limitations reciting netting patterns or netting impressions. Consequently, a person of ordinary skill in the art would not be motivated to combine the Durso reference with any reference (including Kramer) that describes molded cavities or forming patterns on food items since Durso is directed to making annular, casingless sausages. Further, Durso teaches away from protrusions and netting patterns as recited in the claims. Moreover, Durso does not disclose or suggest first and second members being pivotally coupled together ... pivotally moveable between open and closed positions ...pivotally closing the first and second members ... pivotally opening the two members ..." Rather, a top mold is lifted up from the bottom mold (Durso, col. 3, lines 15-21; Fig. 6). Accordingly, the required suggestion or motivation is clearly lacking

Petitbout is relied upon as disclosing two piece molds and compressing meat and stuffing between two dies. Petibout, however, fails to disclose or suggest the "netting pattern," "cooking netting impression" and "pivotally" limitations as recited in the claims. Thus, there is no suggestion or motivation to make the asserted combination.

Jaeger is also relied upon as providing a two-piece mold. Figure 1, however, merely illustrates a colagen casing having a netting design. Jaeger is clearly deficient relative to the amended claims - the reference does not show any members that are opened and closed together, protrusions extending from surfaces and arranged in netting patterns, members having similar shapes and sizes and being pivotally coupled together. The suggestion or motivation to combine Jaeger with other reference is simply lacking due to these deficiencies, and that fact that Jaeger is

merely directed to a colagen casing.

Lewis is relied upon as describing a two piece mold. Lewis describes contoured molded sections that, when assembled or brought together, form the exterior shape or contour of a turkey. Apart from showing a mold device having two sectional members, Lewis has many deficiencies. Lewis does not disclose or suggest "providing a first member ... comprising a plurality of protrusions extending from said first surface and arranged in a first netting pattern ..." or "providing a second member ... comprising a plurality of protrusions extending from said second surface and arranged in a second netting pattern ..." Rather, the mold device has an "internal contour" in the shape of a turkey. (Lewis, col. 4, lines 60-61; Fig. 4). Lewis also fails to disclose or suggest first and second members being pivotally coupled together and pivotally moveable between open and closed positions. Rather, sections of the mold 50 are held together by spring tension clamps. (Lewis, col. 3, lines 22-25). As with the Durso patent, a person of ordinary skill in the art would not be motivated to combine Durso with other references that utilize patterns or protrusions since such resulting patterns would be inconsistent with the "contour" or shape of the exterior surface of a turkey.

Sell is also cited as describing two piece molds, but is clearly deficient relative to the amended claims. The cited reference lacks claim limitations directed to a plurality of protrusions extending from first and second members, netting patterns, first and second members having similar shapes and sizes, first and second members also being pivotally coupled together, pivotally closing and opening the members, and impressing the first and second patterns on the meat product.

Ikeuchi is relied upon as describing mold sections having imparting protrusions. Ikeuchi describes heating fish paste in a mold to form an exterior shellfish shape. As discussed in page 13 of the Applicants' first amendment, Ikeuchi is directed to producing fish paste products resembling exterior shapes of shellfish (e.g., shrimp, crab claws, lobster, etc.). (Ikeuchi, Abstract., col. 1, lines 29-35). Thus, Ikeuchi is not directed to meat products, as recited in the amended claims. Further, Ikeuchi does not disclose or suggest first and netting patterns as recited in the amended claims. Rather, the patterns are designed to resemble the shape and outer features of shellfish or seafood products - a net design is not a design of a shellfish. Additionally, Ikeuchi fails to disclose or suggest forming the impressed netting patterns on the

meat product by cooking. In contrast, the mold is merely used to form a shape of a shellfish. Forming netting patterns on molded seafood products by cooking would diminish the appearance of the shellfish product. Accordingly, a person of ordinary skill in the art would not be motivated to combine Ikeuchi with "netting" or other "pattern" references since Ikeuchi is specifically directed to molding shapes of seafood or shellfish products.

Moreover, at least Durso, Lewis, and Ikeuchi each fails to disclose or suggest and, teaches away from, meat products have "a pre-defined shape" as recited in the amended claims. Durso describes filling a molds with an emulsion or batter, Lewis describes ground turkey, and Ikeuchi describes fish paste. Emulsion, ground turkey and fish paste do not have pre-defined shapes.

There are thus numerous deficiencies of the cited references relative to the amended claims. The Applicants have also identified differences in configurations and functions of prior art devices, and discussed why the required motivation to make the asserted combinations is clearly lacking. Thus, the Applicants do not consider each reference "in a vacuum" but, instead, identify the multitude of deficiencies to show that the asserted combinations do not result in the amended claims. The Applicants also identify features of the prior art that preclude any motivation to make the inadequate combinations, particularly considering that the amended claims are clearly patentable over Kramer, the primary reference relied upon in the Office actions.

Considering the foregoing amendment and remarks, the Applicants respectfully submit that independent claims 1, 14, and 21 and respective dependent claims 1-5, 7-13, 15-21, 24 and 25, which incorporate all of the limitations of their respective independent claims, are novel and unobvious over the cited references. Accordingly, Applicants respectfully requests that all of the rejections under 35 U.S.C. §103(a) be withdrawn.

III. Dependent Claims 11-13 and 27 are Patentable Over the Kramer Patent in View of Uotani.

The Applicants respectfully request that the forgoing amendments and remarks regarding Kramer clearly demonstrate that there is no suggestion or motivation to combine Kramer and Uotani, and that such a combination does not result in all of the elements and limitations of

claims 11-13 and 27, which incorporate all of the elements and limitations of amended claim 1. Uotoni is directed to vessels for rice, not meat having a pre-defined shape. Moreover, Uotoni fails to disclose or suggest the amendments directed to netting patterns and impressions, first and second members having similar shapes and sizes and being pivotally coupled together and pivotally moveable between open and closed positions, and impressing the first and second patterns on the meat product. Accordingly, there is no suggestion or motivation to combine Kramer and Uotoni, and such a combination is deficient. Thus, the Applicants respectfully request that the rejection of claims 11-13 under 35 U.S.C. §103(a) be withdrawn.

IV. Conclusion.

Based on the forgoing amendments and remarks, Applicants respectfully submit that they have disclosed and claimed a novel and unobvious invention patentable over the cited references, individually or in combination. Accordingly, Applicants respectfully request that a timely Notice of Allowance be issued in this case. If there are any remaining issues that can be resolved by telephone, Applicants invite the Examiner to contact the undersigned at the number indicated below.

Respectfully submitted,

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